

REMARKS

Applicants have received the Office action dated June 25, 2008, which 1) rejects claims 1-22 under 35 U.S.C. § 102(e) as allegedly unpatentable over U.S. Pat. No. 7,096,390 to *Talcott et al.* (hereinafter *Talcott*), and 2) rejects claims 18-22 under 35 U.S.C. § 101 as allegedly drawn to non-patentable subject matter.

With this Response, Applicants amend claims 18-22. Therefore, after entry of this Response, claims 1-22 remain pending.

I. Claim Rejections Under 35 U.S.C. § 101

Claims 18-22 stand rejected under §101 as allegedly drawn to non-patentable subject matter. While the Applicants do not agree that the claims are drawn to non-patentable subject matter, for the sake of expediting prosecution, the Applicants hereby amend claims 18-22 to more clearly define their application to processors. Accordingly, the Applicants respectfully request withdrawal of the §101 rejections.

II. Claim Rejections Under 35 U.S.C. § 102

Claims 1-22 stand rejected under §102(e) based upon *Talcott*. Section 102(e) of title 35 provides, emphasis added, “[a] person shall be entitled to a patent unless: the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent....” *Talcott* is issued to the identical inventors of the present application, namely Mario I. Wolczko and Adam R. Talcott. Thus, *Talcott* is not a patent “by another” per §102(e).

On October 23, 2008, Applicants’ representative Robert M. Tuttle (Reg. No. 54,504) discussed the pending §102(e) rejections with Examiner Michael Yigdall. The substance of the discussion included whether an affidavit under 37 C.F.R. 1.132 was necessary to show that *Talcott* is not a patent “by another” per § 102(e). Examiner Yigdall was of the opinion that since identical inventive entities are involved, a 132 affidavit was unnecessary in this situation. Applicants appreciate Examiner Yigdall’s direction in this regard. Of course, if upon further consideration, Examiner Yigdall determines that a 132 affidavit is necessary to overcome *Talcott*, Applicants would be happy to provide one. Based on the foregoing, Applicants respectfully submit that the pending claims are in a condition for allowance over the cited art.

III. Conclusion

In the course of the foregoing discussions, Applicants may have at times referred to claim elements in shorthand fashion, or may have focused on a particular claim element.

This discussion should not be interpreted to mean that the other elements can be ignored or dismissed. The claims must be viewed as a whole, and each element of the claims must be considered when determining the patentability of the claims.

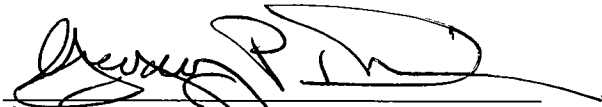
The Applicants thank the Examiner for his thorough review of the application. The Applicants respectfully submit the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

This Amendment is submitted contemporaneously with a petition for a one-month extension of time in accordance with 37 CFR § 1.136(a). Accordingly, please charge Deposit Account No. 04-1415 in the amount of \$130.00, for a one-month extension of time fee. The Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

Dated: 10/27/08

Respectfully submitted,



Gregory P. Durbin, Registration No. 42,503
Attorney for Applicant
USPTO Customer No. 66083

DORSEY & WHITNEY LLP
Republic Plaza Building, Suite 4700
370 Seventeenth Street
Denver, Colorado 80202-5647
Phone: (303) 629-3400
Fax: (303) 629-3450